

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Kohchise Jackson,

Plaintiff,

v.

Corizon Health, Inc., et al.

Defendants.

MARGOLIS, GALLAGHER & CROSS

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Ian T. Cross (P83367)

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**DEFENDANTS CORIZON HEALTH, INC. AND KEITH PAPENDICK,
M.D.'S RESPONSE TO PLAINTIFF'S MOTION FOR AN ORDER OF
SUBSTITUTION [ECF NO. 77]**

NOW COME Defendants CORIZON HEALTH, INC. and KEITH PAPENDICK, M.D., by and through their attorneys, CHAPMAN LAW GROUP, and for their Response to Plaintiff's Motion for an Order of Substitution, state as follows:

1. Defendants deny.

2. Defendants deny.
3. Defendants deny.
4. Defendants deny.
5. Defendants deny.
6. Defendants deny.
7. Defendants deny.
8. Fed. R. Civ. P. 25(c) speaks for itself. Defendants deny this allegation to the extent Plaintiff claims substitution under Fed. R. Civ. P. 25(c) is appropriate in this matter.
9. The case law interpreting Fed. R. Civ. P. 25(c) speaks for itself. Defendants deny this allegation to the extent Plaintiff claims substitution under Fed. R. Civ. P. 25(c) is appropriate in this matter.
10. Defendants admit.

WHEREFORE, Corizon Defendants respectfully request that this Honorable Court DENY Plaintiff's Motion to Substitute and grant such other relief which the Court deems just and equitable.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: August 17, 2022

/s/Ronald W. Chapman, Sr.
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Kohchise Jackson,

Plaintiff,

v.

Corizon Health, Inc., et al.

Defendants.

Case No: 2:19-cv-13382

District Judge: Terrence G. Berg

Magistrate Judge: Patricia T. Morris

MARGOLIS, GALLAGHER & CROSS

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**BRIEF IN SUPPORT OF DEFENDANTS CORIZON HEALTH, INC. AND
KEITH PAPENDICK, M.D.'S RESPONSE TO PLAINTIFF'S MOTION
FOR AN ORDER OF SUBSTITUTION [ECF NO. 77]**

PROOF OF SERVICE

TABLE OF CONTENTS

INDEX OF AUTHORITIES	iii
INDEX OF EXHIBITS	iv
STATEMENT OF ISSUES PRESENTED	v
CONTROLLING/APPROPRIATE AUTHORITY	vi
I. STATEMENT OF FACTS.....	1
II. LEGAL ARGUMENT	2
III. CONCLUSION	2

INDEX OF AUTHORITIES

RULES

PAGE

Fed. R. Civ. P. 25(c)	2, vi
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INDEX OF EXHIBITS

There are no exhibits included with this brief.

STATEMENT OF ISSUES PRESENTED

WHETHER THE COURT SHOULD GRANT
PLAINTIFF'S MOTION FOR AN ORDER OF
SUBSTITUTION [ECF. NO. 77]?

Defendants Answer:	NO.
Plaintiff Answers:	YES.

CONTROLLING/APPROPRIATE AUTHORITY

Fed. R. Civ. P. 25(c) states: “If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined party. The motion must be served as provided in Rule 25(a)(3).

I. STATEMENT OF FACTS

This is a civil rights action brought against Corizon Defendants under 42 U.S.C. § 1983 for alleged violations of Plaintiff's Eight Amendment Rights under the United States Constitution. On June 27, 2022, Plaintiff's counsel reached out to undersigned counsel regarding substitution of Corizon in this matter to YesCare Corp. ("YesCare") and CHS TX, Inc. ("CHS TX"). Plaintiff filed a Motion to Substitute YesCare and CHS TX as party defendants in place of Corizon Health, Inc., on July 20, 2022. (**ECF No. 77**). On July 27, 2022, the undersigned counsel conferred with Plaintiff's counsel regarding Plaintiff's Motion to Substitute and requested an extension of time to respond. Plaintiff's counsel refused to concur in an extension.

Corizon Defendants subsequently filed a Motion to Extend (**ECF No. 79**) which this Court granted in part, extending the time to respond to August 17, 2022. Given that Plaintiff's requested relief would result in Corizon's dismissal and CHS TX and YesCare's substitution in this matter, CHS TX and YesCare have prepared a Response to Plaintiff's Motion to Substitute. Corizon Defendants incorporate by reference the facts stated in CHS TX and YesCare's Response to Plaintiff's Motion to Substitute for purposes of the instant motion.

II. LEGAL ARGUMENT

Corizon Defendants incorporate by reference and further rely on the arguments raised in CHS TX and YesCare's Response to Plaintiff's Motion to Substitute.

III. CONCLUSION

WHEREFORE, Corizon Defendants respectfully request that this Honorable Court DENY Plaintiff's Motion to Substitute and grant such other relief which the Court deems just and equitable.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: August 17, 2022

/s/Ronald W. Chapman, Sr.
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PROOF OF SERVICE

I hereby certify that on August 17, 2022, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to the involved non-participants.

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